IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5196 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GOVINDBHAI PADMABHAI PATEL

Versus

JOINT SECRETARY (APPEALS) REVENUE DEPARTMENT

Appearance:

MS AVANI S MEHTA for Petitioner No. 1-2

MR NAGESH SOOD, AGP for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 30/07/2004

ORAL JUDGEMENT

With the consent of the parties, the matter is taken up for hearing today.

2. Being aggrieved and dissatisfied with the order passed by the Collector, Banaskantha dated 30/04-05/2003 whereby cancelling the allotment of the land in question in favour of the petitioners, the petitioners had preferred a revision application before the revisional

authority i.e. Secretary (Appeals), Revenue Department being Revision Application No.46 of 2003. That in the said revision application, the petitioners have also moved an application for stay for staying the further execution, implementation and operation of the order passed by the Collector, Banaskantha dated 30/04-05/2003 during the pendency and final disposal of the revision application.

3. By order dated 09-07-2003 the revisional authority has admitted the revisional application but refused to grant stay of the order dated 30/04-05/2003 passed by the Collector Banaskantha. Being aggrieved by the said order dated 09-07-2003 of the revisional authority refusing to grant the stay during the pendency of the revision application, the petitioners have preferred the present petition under Article 226 of the Constitution of India.

4. This Court has issued Rule and by way of ad-interim relief it was directed that the order passed by the Collector, Palanpur dated 30th April/May, 2003 shall not be implemented up to 30th July, 2004 i.e. today. It is hoped that the said Revision Application might have been decided and disposed of by the revisional authority by today i.e. 30-07-2004.

5. Today, when the matter was called out Mr.Sood, learned AGP, has submitted that he has no instructions whether the revision application is disposed of or not. Be that it may, in view of the fact that the present petition is against the interlocutory order in refusing to grant the stay and this Court has already protected the petitioners and has passed an order that the order passed by the Collector, Palanpur dated 30th April/May, 2003 shall not be implemented up to 30th July, 2004, the present petition is disposed by directing the revisional authority to decide and disposed of the revision application within a period of 06 (six) weeks from today, if not decided so far. Ad-interim relief granted earlier by this Court is directed to be continued till the final disposal of the revision application.

6. Rule made absolute to the aforesaid extent. No order as to costs.

Sd/-

[M.R.SHAH, J]

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'Bhavesh'